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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/785,198	02/25/2004	Thomas Birkhoelzer	32860-000703/US	3374
30593	7590	09/05/2006	EXAMINER	
HARNESS, DICKEY & PIERCE, P.L.C.			HOANG, DANIEL L	
P.O. BOX 8910			ART UNIT	
RESTON, VA 20195			PAPER NUMBER	
			2192	

DATE MAILED: 09/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/785,198

Applicant(s)

BIRKHOELZER ET AL.

Examiner

Daniel L. Hoang

Art Unit

2192

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 2/25/04.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## Detailed Action

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-36 are rejected under 35 U.S.C. 102(b) as being anticipated by Lewis (US Patent No. 6,213,391).

#### **As per claims 1, 9, 16, and 29, Lewis teaches:**

A method for signing access operations to electronic data, comprising:

performing a security check in order to ascertain the identity of a user;

assigning a user signature [*authorized profile*], identifying the user, on the basis of the performed security check without being viewable by the user;

assigning a role signature [*access code*], assignable to a plurality of users, on the basis of the performed security check without being viewable by the user; and

permitting an access operation to electronic data by specifying the user signature and the role signature.

*[see col. 7, lines 40-42] "Housed within enclosure 1 is the verifying means 2 which determines whether the person using the card is an authorized user of the card."*

*[see col. 7, lines 43-45] "input 12 receives analog identification information which is converted by verifying means 2 into a digital representation of the potential user's identification profile."*

*[see col. 7, lines 50-52] "Once received by input 12, analyzing means 2 converts the analog signal to a digital voice pattern identification profile."*

*[see col. 7-8, lines 66-67, 1-2] "the invention anticipates the use of some unique biometric characteristic of the potential user (e.g. voice print, fingerprint, DNA, palm print or other such unique biometric characteristic)."*

*[see col. 8, lines 10-18] "verifying means 2 obtains any authorized profiles associated with the account from the built in storage medium 6, and then compares the stored profile to the potential user's spontaneously created profile. If the spontaneous profile calculated by verifying means 2 matches, or is within an acceptable discrepancy value*

Art Unit: 2192

*range of any of the authorized profile stored in the built in storage medium 6, then the verifying means 2 generates a "Positive ID" signal on signal line 3."*

*[see col. 8, lines 42-45] "code generator 5 uses an algorithm obtained from memory chip 7 to convert user's unique identification profile into an access code associated with the secure objective."*

*[see col. 8-9, lines 66-67, 1-3] "Once the user's unique identification profile has been transformed into an appropriate access code by code generator 5, the access code is output to output port 11 where it may be received by a secure objective to determine whether access is granted."*

**As per claims 2, 10, and 30, Lewis teaches:**

The method as claimed in claim 1, wherein the security check involves biometric data from the user being ascertained.

*[see rejection of claim 1]*

**As per claims 3, 11, 17, 23, and 31, Lewis teaches:**

The method as claimed in claim 1, wherein the security check involves reading at least one of an electronic and mechanical key.

*[see col. 9, lines 38-42] "Remote control unit 13 allows the identification device to be used in a variety of ways from a remote location (for example, as a key pass, or a user specific car alarm remote control key, or even highly interactive functions such as remote control use at an ATM machine)."*

**As per claims 4, 12, 18, 19, 24, 25, and 32, Lewis teaches:**

The method as claimed in claim 1, wherein the user signature to be assigned is ascertainable on the basis of the data ascertained in the security check, by checking a user signature memory.

*[see col.8, lines 10-13] "verifying means 2 obtains any authorized profiles associated with the account from the built in storage medium 6, and then compares the stored profile to the potential user's spontaneously created profile."*

**As per claims 5, 13, 20, 21, 26, 27, and 33, Lewis teaches:**

The method as claimed in claim 1, wherein the role signature to be assigned is ascertainable on the basis of the data ascertained in the security check, by checking a role signature memory.

*[see col. 10, lines 27-29] "Programmable memory unit 26 provides the code generator 23 with code generating algorithms which it utilizes to calculate the account specific access codes."*

**As per claims 6, 14, 22, 28, 34, and 35, Lewis teaches:**

The method as claimed in claim 4, wherein the user signature memory is checked using a data telecommunication link.

Art Unit: 2192

*[see col. 5, lines 64-47] "the system of the present invention, as disclosed herein, may include a means for generating unique access codes for use in identifying a user via telephone or computer modem."*

**As per claim 7, Lewis teaches:**

The method as claimed in claim 1, wherein one user is assignable a plurality of role signatures simultaneously.

*[see col. 4, lines 13-17] "Once authorization has been established, the digital representation of the identification value may be converted into one or more access codes which may be used to provide access to a particular one of any number of secure accounts or databases, restricted areas, or other secure objectives."*

**As per claims 8, 15, and 36, Lewis teaches:**

The method as claimed in claim 1, wherein the data are medically relevant, wherein the users are medical specialist personnel, and wherein the roles are formed in line with the workgroups within the medical specialist personnel.

*[see col. 5 lines 12-21] "As a healthcare services card the present invention may provide a quick and efficient means for positive identification and access to medical history. In emergency situations such information must be quickly obtained in order to provide safe and adequate diagnosis and treatment. Because many emergency patients arrive at the emergency room unconscious, the disclosed invention is particularly suited to allow ER physicians and nurses rapid access to important medical information that they would not otherwise be able obtain from the patient herself."*

**The following patents and publications are cited to further show the state of the art with respect to signing data access control.**

US PGP No. 20010009026 to Terao, which is cited to show authentication user's access rights to resources.

US PGP No. 20010021926 to Schneck, which is cited to show controlling access and distribution of digital property.

US PGP No. 20010052541 to Kang, which is cited to show electronic signature based on fingerprint recognition.

US PGP No. 20020049907 to Woods, which is cited to show permission based data exchange.

US PGP No. 20020095605 to Royer, which is cited to show managing user access to network compatible applications.

US PGP No. 20020097142 to Janiak, which is cited to show biometric authentication for use with token fingerprint data storage.

US PGP No. 20020129248 to Wheeler, which is cited to show account-based digital signature system.

US PGP No. 20020150241 to Scheidt, which is cited to show electronically signing a document.

US PGP No. 20020152400 to Zhang, which is cited to show granting indefinite use of software options resident on a device.

US PGP No. 20020162005 to Ueda, which is cited to show access right setting device and manager terminal.

US PGP No. 20020162030 to Brezak, which is cited to show controlling access to resources based on authentication.

US PGP No. 20020174344 to Ting, which is cited to show authentication using biometrics.

US Patent No. 5325294 to Keene, which is cited to show a medical privacy system.

US Patent No. 5661805 to Miyauchi, which is cited to show signature verification capable of obtaining information required for a document recipient.

US Patent No. 5953419 to Lohstroh, which is cited to show cryptographic file labeling for supporting secured access by multiple users.

US Patent No. 6523116, to Berman, which is cited to show secure personal information card database system.

Art Unit: 2192

- \*. Any response to this Office Action should be **faxed to (571) 273-8300 or mailed to:**

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P.O. Box 1450  
Alexandria, VA 22313-1450


**Hand-delivered responses** should be brought to

Customer Service Window  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

- \*. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel L. Hoang whose telephone number is 571-270-1019. The examiner can normally be reached on Monday - Thursday, 8:00 a.m. - 5:00 p.m., EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Robertson can be reached on 571-272-4186. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Daniel L. Hoang  
8/28/06

  
DAVID ROBERTSON  
SUPERVISORY PATENT EXAMINER